

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONERIN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

(chief) Col. Michael S. Owl Feather-Gor-bey

Full Name of Plaintiff

Inmate Number

v.

Geisinger owners &amp; Ruters Eye Center

Name of Defendant 1

Patricia S. Dods zuweit

Name of Defendant 2

J. Olson

Name of Defendant 3

D. Fassero

Name of Defendant 4

Edinger

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No.

3:20-CV-2433

(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial☐ No Jury Trial Demand

under §1915(g) Imminent Danger.

FILED  
SCRANTON  
DEC 28 2020  
PER [Signature]  
DEPUTY CLERK

## I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☒ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☒ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

consolidated

**II. ADDRESSES AND INFORMATION**

**A. PLAINTIFF**

OW Feather-Gorby (chrg) Col. Michael S.

Name (Last, First, MI)

D.C. Doc 317611 Fed. 33405-013

Inmate Number

USP Lewisburg PA.

Place of Confinement

PO Box 1000

Address

Lewisburg, PA. 17837

City, County, State, Zip Code

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

**B. DEFENDANT(S)**

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Geisinger Eye Center owners & Ruters

Name (Last, First)

owners & Ruters

Current Job Title

16 Woodbrix Lane.

Current Work Address

Danville, PA. 17822

City, County, State, Zip Code

Defendant 2:

Patricia S. Podszuweit  
Name (Last, First)  
clerk of court us App. Ct. 3rd Cir.  
Current Job Title  
601 market St. Room 21400  
Current Work Address  
Philadelphia PA. 19106  
City, County, State, Zip Code

Defendant 3:

Olson J.  
Name (Last, First)  
ophthalmology doctor Geisinger Eye Center  
Current Job Title  
16 Woodbine Lane.  
Current Work Address  
Danville, PA. 17822  
City, County, State, Zip Code

Defendant 4:

Fassero D.  
Name (Last, First)  
ophthalmology doctor Central Vision Eye Center (CVE)  
Current Job Title  
CVE 4504 West branch Highway Lewisburg PA, 17857. 4  
Current Work Address  
CVE 23 South Arch Street. Milton PA, 17847.  
City, County, State, Zip Code

Defendant 5:

Edinger  
Name (Last, First)  
medical doctor usp Lewisburg PA.  
Current Job Title  
2400 Robert F. Miller Drive  
Current Work Address  
Lewisburg, PA. 17837  
City, County, State, Zip Code

Defendant (6) C.V.E. owners & Reters.  
owners & Reters Central Vision Eyecare  
4504 Westbranch Highway Lewisburg PA. 17837. &  
23 South Arch Street, Milton. PA. 17847.

Defendant (7) Pigos K.  
Medical Doctor usp Lewisburg  
2400 Robert F. Miller DR.  
Lewisburg, PA. 17837.

Defendant (8) Spaulding  
Warden usp Lewisburg  
2400 Robert F. Miller Drive  
Lewisburg, PA. 17837

Defendant (9) A. DUTTRY  
Health service supervisor usp Lewisburg  
2400 Robert F. Miller DR.  
Lewisburg PA. 17837.

Defendant (10) Rishel  
Assistant Health service supervisor usp Lewisburg  
2400 Robert F. Miller DR.  
Lewisburg, PA. 17837.



defendant (11) Gaustph  
mail Room supervisor USP Lewisburg  
2400 Robert F. Miller DR.  
Lewisburg, PA. 17837

defendant (12) the United States  
U.S. Government  
U.S. D.O.J. 950 P.A. Ave. N.W.  
Washington, D.C. 20530.

Note.

IF NOT For Alleged immunities that Gorbey Finds  
To be UNCONSTITUTIONAL Federal Judges R. D. mariani,  
D. B. Smith, McKee, Jordan, Krause & Phippe would  
As well be named defendants. However, under the  
(F.T.C.A.) "the United States stands in their place!"  
28 USC § 2671-2680; Richards vs. United States 369 US 1.6. (1962)  
& their misconducts & Wrongful Acts are listed in  
this Complaint.

### III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

A. Describe where and when the events giving rise to your claim(s) arose.

USP Lewisburg PA. 2020. Geisinger medical center  
Danville PA. 2020.

B. On what date did the events giving rise to your claim(s) occur?

4-17-20 To date see CONTINUANCE Pages 1-9 For  
Dates of Each Related Event leading up to 12-2-20

C. What are the facts underlying your claim(s)? (For example: What happened to you?  
Who did what?)

Geisinger eye institute; Patricia S. Dodszuweit; J. Olson;  
D. Fassero; Edinger; CVE eye care; K. Pigos; Spaulding;  
A. Duttry; Rishel; Gaustph & the United States as well as  
unnamed parties mariani, Smith, Jordan, McKee, Krause &  
Phippe. Have colluded together or in sequence through a  
(Pattern of misconduct) to deny Gorbey proper timely  
glaucoma treatment & or to deliberately harm him in  
serious physical injuries to his eyes or total blindness  
as described in the issues in the CONTINUANCE Pages 1-9  
Below. Attached.

Martin vs. Shelton 319 F.3d. 1048, 1050 (8th Cir. 2003)

Pattern of misconducts Evidencing the likelihood  
of serious physical injury or death.

Helling vs. McKinney 509 US 25, 34, 113 S.Ct. 2475, 2481,  
125 Fed. 2d. 22. (1993)

Bazela vs. United States (4-26-2018) US Dist. Lexis 70874



#### IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

1st Amendment Right to Access to Remedy Process & Courts,  
 14th Amendment Equal Protection  
 5th Amendment Due Process  
 8th Amendment medical treatment & cruel  
 UNUSUAL Punishment serious Physical Injuries  
 & Pain.

#### V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above. 90% Damage to eye 45% to eye threat of Total Blindness  
 & (cause) SNUFF OUT SYNDROME DENY ACCESS TO FUNDS. Remedy Process  
 & Courts. Cruel UNUSUAL Punishment. Pain & suffering.

#### VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

\$350,000,000.00 million dollars cash, gold, silver  
 ① INJUNCTION For immediate glaucoma treatment at outside hospital &  
 marijuana for treatment. ② INJUNCTION to have respondents stop tamper  
 with or impeding incoming-outgoing legal or court-attorney mail.  
 ③ INJUNCTION to stop Fbop from Redirecting Funds sent to Gorbey.  
 ④ INJUNCTION to have 31915(g) Reform to stop Judges little mariani from  
 categorically abusing it As An Affirmative bar. ⑤ I seek A Hearing to  
 defend adequately.

**VII. SIGNATURE**

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.

(chief) Col. Michael S. Owl Feather - Gorbey  
Signature of Plaintiff

12-7-20  
Date

Declaration of mailing 51746 & 31621

I Gorbey declare that on <sup>12-7-20</sup>~~12-7-20~~ I deposit this Petition & All Appropriate Attachments & Affirmation & Continuance Pages in support inmate account statement together in usps lewisburg internal legal mail system 1st class us indigent inmate mail properly address to the Scranton PA Court, PO Box 1148 Scranton PA 18501

(chief) Col. Michael S. Owl Feather - Gorbey  
DC ACC 317601 Fed. 33405-013



Chairs of 30, 1  
CONTINUANCE Pages IN supportclaim (1)

Geisinger Eye Center; Patricia S. Dodszo Weir; Johnson; D. Fassero; Edinger; CVE Eye Center; K. Pigos; Spaulding; A. Duttry; Rishel; Gaustph & the United States As well As unnamed Parties Marian, Smith, Jordan, McKee, Krause & Phippe. Have Colluded Together or in sequence through (Patterns of misconducts) To deny Gorbey Proper Timely glaucoma Treatment & or To Deliberately Cause Him Harm in serious Physical injuries To His eyes or Total Blindness As described in the issues below.

issue (a)

Defendants Edinger, Pigos, Spaulding, Duttry, Rishel & the United States allow Gorbey To be Transfer To usp Lewisburg on 4-17-20 while He Had A South Carolina medical "Hold" For Already scheduled Emergency glaucoma laser surgery At Charleston S.C. medical Center. & Force Gorbey To suffer serious Physical injuries From the Delays in Having To start all over with His Complaints & Attempts To obtain Treatment.

Where. Medical Reports by CVE. DR. Fassero & Lewisburg DR. Edinger, Spaulding, Duttry & Rishel Explain that these delays in Treatment (Have caused) Gorbey's glaucoma To be so Advanced 5-27-20. that it Place Gorbey in threat of A snuff-out-syndrome being damages so great. that when you Apply Treatment you Destroy (snuff-out) the remaining good Retinal Tissue which Accelerates the outcome of Total Blindness. (but Fail To inform Gorbey!)



issue (b) on 5-22-20 Gorbey was seen by CVE DR Fassero at USP Lewisburg whom recommended treatment but did not inform Gorbey of the damages or dangers such as the SNUFF-OUT-syndrome related to such treatment & neither did Edinger, Pigos, Duttry, Fishel, or Spaulding.

issue (c) on 7-7-20 single eye scans conducted on Gorbey at Geisinger Eye Center show these delays in his treatment progress from 60% damage in his l-eye to 85% & 15% R-eye to 35% threatening total blindness.

issue (d) Judge R.D. mariani being Hostile & Retaliating For Gorbey's Judicial Complaints. then Revoke Gorbey's EFP status in 3:20-cr-806-RDM & claim this was not a Qualifying imminent danger. clearly Abusing use of §1915(g) AS A Prohibitive Financial bar while mooted Recusal motions (to) deliberately shut Gorbey out of Court while 3rd cir. us Appeal Judges Smith, McKee, Jordan, Krause & Phippe let & Encourage mariani to do it & Even went so far as to Smith & McKee themselves (threaten) to Retaliate on "Gorbey" For Filing the Judicial Complaints. making A Farce & mockery of the entire 3rd cir. Judicial Process & making the Federal District & 3rd cir. us Appeal Court A threat to Gorbey's safety just as much if not Even more than the defendants named here. see. Relevant Temporal Focal Point of Action.

Asemani vs. US Citizenship & immigration serv's



792 F.3d. 1069 (D.C. Cir. 2015)

The imminent danger exception applies if the danger existed at the relevant temporal focal point of action.

Abdul-Albar vs. McKelvie 239 F.3d. 307, 315 (3rd Cir. 2001)

issue (e) on 7-20-20 Gorbey was carry to Geisinger Eye Center Danville PA. by 3 FBop security guards 2 Armed with weapons whom intimidated Gorbey into signing to consent for treatment by DR. Olson whom never inform Gorbey of any possible damages or side effects from the treatment & did not let Gorbey pre-read or read to him the consent for treatment form. Where DR. Olson immediately applied the laser treatment to Gorbey's L-eye & in the process Gorbey had to tell Olson atleast 2 times that she was applying too much laser & "seriously hurting" Gorbey.

issue (f) on 9-1-20 Gorbey was carry back to Geisinger Eye Center where DR. Olson claim the laser had help both of Gorbey's Eyes. After Examining Him, until Gorbey Expressly told her she had only perform the surgery on the L-eye & Olson Finely Consulted her Computer & saw that he was right, she immediately switch up & began arguing that the R-eye was in serious condition & needed the laser treatment & seriously Questioning her motives. As Contract Doctors are Known for performing unnecessary treatments on Prisoners for a quick paycheck.



Where Gorbey clearly & Explicitly inform DR. Olson on 9-1-20 that He wanted information on All possible damages & side Effects caused by the laser surgery & that He wanted time to Pre-Read the Consent For Treatment Form. & DR. also Assure Gorbey she would personally see that He received the information. yet Gorbey never did & DR. Olson placed A Request on 9-2-20 To Perform laser surgery on Gorbey's R-eye (claiming) the L-eye surgery was A success.

Issue (g) on 9-2-20 Lew. DR. Edinger, Puttry, Rishel & Spaulding made medical notes & plans for Gersinger to perform the R-eye surgery. (claiming) the L-eye surgery was A success & not informing Gorbey of the possible dangers.

Issue (h) on About 9-8-20 When Gorbey never received the treatment information from Gersinger. Gorbey then submitted A Request to Lewisburg medical Department (As His Primary Care Providers). For the information He sought on possible damages & side Effects from the laser treatment. & yet on 9-11-20 DR Edinger confronted Gorbey trying to intimidate or to threaten Gorbey into signing A Refusal of any further glaucoma treatment so He could immediately transfer & quash all of Gorbey's civil suits regarding the matters. Where Edinger told Gorbey, He Gorbey was between A rock & A hard place! that Gersinger (never) provided inmates information of surgerys &



(Always) Had them sign CONSENT For for Treatment Forms Just seconds before treatment is Applied! & that if Gorbey kept insisting on receiving such info. He would then Alienate or offend Geisinger & they could Refuse to Further treat Gorbey (For) Asking about Damages, side Effects or CONSENT For Treatment Forms. being itself A malpractice To Force someone to undergo treatment (Without) Knowledge of Possible Damages or side Effects & To Deny them treatment if they Ask! clearly qualifying For §1915(g) imminent danger Exception.

Issue (i) ON 10-2-20 Gorbey was seen again by DR. Fassero. of CVE eye Center. AT USP Lewisburg. Whom After Performing Tests. Explain that the 7-20-20 1 eye surgery was "not" A success & infact the left eye suffer serious damage & both eyes needed "Emergency treatment" <sup>AS</sup> ~~AS~~ the meds prescribed were not Helping!! Providing no beneficial treatment

(2) Where. this diagnosis by Fassero is Evidence that Geisinger & their DR. Olson, Edinger, Duttry, Fishel & Spaulding were (knowingly) Performing useless treatment that infact (caused) more damage than help. & that these dependants intended to "Accelerate" the outcome of Gorbey's Blindness. being imminent danger §1915(g)

(3) Where. Fassero & Pigos, Spaulding, Duttry & Fishel Recommended Gorbey For Emergency surgery options but, yet, still Fail to inform Gorbey of Any possible



Damages or Side Effects 10-2-20 & in fact Fassero told Gorbey when Gorbey (did ask), that damages & side effects were "little to none!"

Issue (J) Where, then on About 10-18-20 Gorbey Received A Response to AN (F.O.I.A) Request Which then provided Him the 5-27-20 medical note about the snuff-out syndrome, that was not Enclosed in an Earlier (F.O.I.A) Response He Received, so Gorbey then did immediately file an Amended Complaint & motion To Recuse Judge mariani in 3:20-cr-<sup>1713</sup>~~1487~~-RDM. yet, then mariani Fail to Address the Amended Complaint & new Recusal motion, mooted the Already Pending Recusal motion & deny Gorbey EFP leave to Proceed. While Judges Smith, McKee, Jordan, Krause & Phippe. Allow & Encourage mariani to do it. Error claiming None of this qualify as an imminent danger & clearly deliberately Abusing 31915(g) (to) shut Gorbey out of Court

Issue (K) Where then on About 11-16-20 Gorbey Received His IRS \$1,200.00 Cares Act check For incarcerated People. Which with Gorbey suffering these serious Physical injuries & others & Hostile Judge mariani Abusing use of 31915(g) (to) bar Gorbey Access to Court! Gorbey desperately needed For Court Filing Fees, yet, Hostile Lewisburg mail room supervisor Gaustph & his staff & spaulding, deliberately Acting (to) impede Gorbey Court Access Rejected the check & (sent it back) to the IRS. Keeping Gorbey in



the list of imminent dangers being an imminent danger.

issue (6) Where. then. on about 10-9-20 Gorbey Filed His motions in the US App. Ct. 3rd cir. For leave to Proceed &ff. in three cases 3:20-cv-806-RDM App# 20-3170. Case 3:20-cv-867-RDM App# 20-3169 & 3:20-cv-1080-RDM- App. 20-3168. Enclosing All of the necessary Completed Forms & Papers or Documents yet. ON 11-20-20. 3rd cir US App. Ct clerk whom Gorbey Filed Complaints on About Colluding With Virginia Authorities in maliciously Abused Fugitive Events. claim she Recieve the motion. but not the Application to Proceed. Affidavit & Prisoner Account statement (that was Enclosed with the motion!) & she gave Gorbey 14 days to Correct "Her alleged" deficiency. yet she deliberately Fail to mark the mail as legal & Lewisburg mailroom supervisor Gaustph & his staff open the mail outside Gorbey's presence. Delayed serving it to Gorbey until the same day the 14 days Expired. While Gorbey Has Priority (caught) Gaustph & his mail room staff doing this with Court Actions on Time Frames now "several times" (to impede access) & warden spaulding keeps allowing it! While denying Gorbey Access to Courts (to remedy) imminent dangers & Actual serious & other Physical injuries. denials of medical treatments & subhuman conditions is just as bad as causing these events because if you force him to suffer them you then "are" the cause of the conditions



He suffers. Abdul-Akbar 239 F.3d at 315

Relevant Temporal Focal Points of Action

Gibbs vs. Cross 160 F.3d 962, 966-67 (3rd cir. 1998)

Issue (iv) Where, now, Gorbey is kept in Lewisburg And 1 calls while staff are opening, reading & tampering with all his personal & legal mail, & He is denied any funds for commissary, denied the phone, & meaningful FBOP Remedy access & or Court Access while He is now denied all glaucoma usable or effective treatment & or ophthalmology visits. As on 10-2-20 DR Fassero stated in his medical report that Gorbey is intolerant to latanoprost eye drops for serious side effects & the methazalamide 50 mg. tab. are doing nothing for Gorbey & He needs "Emergency" treatment & yet here. 2 months later on 12-2-20, Gorbey has not received any such treatment while the damages to his eyes are at 90% left & 45% right & threatening total blindness. see, Pinder vs. McDowell 619 F.Appx 565, 566-67 (8th cir. 2015) allegations that defendant's actions caused damage to eyes & threaten total blindness qualifies for the imminence danger Exception.

Liner vs. Fischer 11-cv-6711, 2012 US Dist. Lexis 95599 at \*13 (S.D.N.Y. 7-11-2012)

Ibrahim vs. D.C. 463 F.3d. 3-7. (D.C. cir. 2006) All together Retaliating trying to cause Gorbey serious physical damage & to blind him

± Gorbey therefore seek fast & speedy relief as is intended by §1915(g) Bruce vs. Samuels 136 Sot. 627 (2016)



Issue (iv)

ON 12-3-20 Warden Spaulding & Assistant Warden Brickard Admitted that they Redirected & sent back to the IRS Gorbey's \$1,200.00 Cares ACT check. He could have used for Commissaries & Court Filing Fees. (To impede) His Court Access while the Courts deny Him 31915(g) leave to proceed in Error & clearly showing their Pattern of misconducts to shut Gorbey out of Court while being the cause of His Conditions He faces & Are "Trying to" Blind Gorbey while impeding Him any meaningful Avenue of Redress Evidencing the likelihood of serious physical injury or death.

Martin vs. Shelton. 319 F.3d 1048, 1050 (8th Cir. 1998)

### Relief sought

- (1) I demand \$350,000,000.00 million dollars
- (2) INJUNCTION For immediate appropriate glaucoma treatment & Examinations by outside Hospitals NOT associated with CVE or Geisinger. & proper medications such as marijuana.
- (3) INJUNCTION to Have Defendants to stop impeding, tampering with any of my incoming outgoing mail. (Especially) Court mail.
- (4) INJUNCTION to Have the F.B.O. to stop Redirecting Funds sent to me.
- (5) INJUNCTION to Have 31915(g) Reform to prevent such categorical Abuses as Judge Mariani has used 31915(g) as a Financial barrier.
- (6) I seek a Hearing necessary to defend my suit or my imminent danger claims.

(Chief) Col. Michael S. du Feather - Gorbey  
MONACAN NATION

D.C. DOC 312611 Fed. 33405-013  
USP Lewisburg



Inmate Name: Michael Scott Feather-Gorby  
Register Number: 33405-013  
United States Penitentiary  
P.O. Box 1000  
Lewisburg, PA 17837

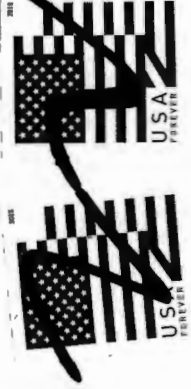
08 DEC 2020  
RECEIVED  
SCRANTON

DEC 28 2020

FILED  
DEPUTY CLERK

(regal-special mail)

(open only in presence of  
Gorby or the US Court)



Clerk of Court  
U.S. District Court  
PO Box 1148  
Scranton, P.A. 18501

